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11 Mr. Kinney

12  
13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA, ) Case No. 2:23-cr-318-TLN  
16 Plaintiff, )  
17 vs. ) **STIPULATION AND ORDER TO CONTINUE**  
18 JOSEPH PAUL HERRERA ) **STATUS HEARING AND EXCLUDE TIME**  
19 KINNEY, )  
20 Defendant. )  
21 Date: April 11, 2024  
22 Time: 9:30 a.m.  
23 Judge: Hon. Troy L. Nunley  
24  
25 )

26 IT IS HEREBY STIPULATED and agreed by and between United States Attorney  
27 Phillip A. Talbert, through Assistant United States Attorney Alstyn Bennett, counsel for Plaintiff,  
and Federal Defender Heather Williams, through Assistant Federal Defender Hootan  
Baigmoammadi, counsel for Defendant Joseph Paul Herrera Kinney, that the previously  
scheduled Status Hearing set for April 11, 2024 be continued to July 11, 2024 at 9:30 a.m.

28 The parties specifically stipulate as follows:

- 29 1. By previous order, the Status Hearing is currently scheduled for April 11, 2024 at  
30 9:30 a.m. Time has been ordered excluded through that date.
- 31 2. Mr. Kinney respectfully requests that the Court continue the Status Hearing to  
32 July 11, 2024 at 9:30 a.m.
- 33 3. The government has produced approximately 1400 pages of discovery and  
34 various audio/video files.

4. Mr. Kinney requires additional time to review the discovery; investigate and research possible defenses; research potential pretrial motions; explore potential resolutions to the case; and otherwise prepare for trial.

5. Mr. Kinney believes that failure to grant his motion would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

6. The government does not object to Mr. Kinney's motion.

7. For the purpose of computing time under 18 U.S.C. § 3161 *et seq.* (Speedy Trial Act), the parties request that the time period between April 11, 2024 and July 11, 2024, inclusive, be deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv) (Local Code T4), because it would result from a continuance granted by the Court at the defense's request, based on a finding that the ends of justice served by granting the continuance outweighs the best interest of the public and Mr. Kinney in a speedy trial.

Respectfully submitted,

HEATHER E. WILLIAMS  
Federal Defender

Date: April 8, 2024

/s/ Hootan Baigmohammadi  
HOOTAN BAIGMOHAMMADI  
Assistant Federal Defender  
Attorneys for Defendant  
Mr. Kinney

Date: April 8, 2024

PHILLIP A. TALBERT  
United States Attorney

/s/ Alstyn Bennett  
ALSTYN BENNETT  
Assistant United States Attorney  
Attorneys for Plaintiff

## ORDER

The Court, having received and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order.

IT IS SO ORDERED.

Dated: April 8, 2024

Troy L. Nunley